

### REMARKS

Claims 1-27 and 29-40 are now pending in this application, with claims 1, 30, 33, 36, 37, 38 and 39 being independent. Claims 1, 30, 31, 33, 34, 36, 37, 38 and 39 have been amended. Favorable reconsideration is respectfully requested.

Claims 1-27 and 29-40 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,336,099 (Barnett), in view of "Consumer issues in coupon usage: An exploratory analysis" article (Bonnici). This rejection is respectfully traversed.

As recited in independent claim 1, the present invention relates to a method to motivate a consumer to promptly indicate interest in purchasing a product and/or service on a computer network. The method includes the steps of presenting over the network to the consumer an offer for sale of a product or service that may be purchased immediately via the network, and concurrently presenting an incentive for purchasing it promptly. The incentive is initially set to a first non-zero value and decreases over a period of time to at least one other non-zero value lower than the first. In this manner, the consumer is motivated to make a purchase promptly, since the consumer may make the purchase immediately, and since a delay in purchase may result in a reduction of the incentive's value.

Independent claims 30, 33 and 36-39 are directed to computer code, to a methods, to an apparatus or to a system, and include features that parallel generally the steps of claim 1. All of those claims recite the combinations of the features discussed above, namely the combination of enabling the consumer to make the purchase immediately via the network (or electronic media) and providing an incentive that decreases over a period of time.

Providing incentives to motivate consumers to make a purchases, including impulse purchases, are known in art. In their most basic form, such incentives take the

form of a coupon, that is typically redeemable at the time of purchase for a discount off of the purchase price. Such coupons almost always have expiration fixed dates.

Because they have fixed life spans and fixed values over their life spans, however, conventional coupons, either electronic or paper, do little, to motivate impulse purchases. Thus, a consumer receiving such a coupon will note its value and its expiration date, and will have a known window of time during which he or she may use the coupon to make the relevant purchase. And the purchase may or may not be made. But the conventional coupon, will never motivate an impulse purchase.

The present invention overcomes this drawback by concurrently enabling a consumer to make an immediate purchase and providing an incentive that decreases over a period of time. By enabling an immediate purchase and by providing an incentive that decreases over a period of time in this fashion, consumers are provided with both the facilities and motivation to make purchases on an impulse, since they can make an immediate purchase and since the incentive may reduce in value if they wait.

Barnett is inapposite to the present invention, because Barnett has nothing whatsoever to do with either allowing or motivating a consumer to make an impulse purchase. Instead, and in stark contrast, Barnett is directed primarily to the electronic distribution of coupons, which once received are printed out by consumer and then used to make conventional brick-and-mortar type purchases. That this is so is apparent from Barnett as follows:

Coupons are printed by the printable coupon data generation routine 32d, which is invoked by a user when he selects a print command from the coupon file function 56. This routine obtains data from two sources in the coupon database 30: the fixed coupon parameters and user-specific data file 30d, and the variable coupon data associated with the particular coupon selected for printing.

Referring to FIG. 3, the data format of the fixed coupon parameters and user-specific data are set forth and include

predefined border graphics which are the same for every coupon printed, redemption instructions, and a user identification bar code number. The user identification bar code number is a unique number assigned to that user, e.g. his social security number or online identification number. This number will be encoded by the printable coupon data generation routine 32d and printed as a bar code 90 on each coupon 18 printed for the particular user. This information will thus be obtained by the coupon redemption center and provided to the coupon distributor 16 for demographic analysis and the like.

The unique user bar code 90 also renders the electronic coupon system of the present invention secure and virtually fraud-proof. Although a user is able to print out a particular coupon 18 only once (to be described in detail below), the coupon issuer 14 could still be defrauded by a user or retailer who might photocopy a printed coupon numerous times and fraudulently and repeatedly present it for redemption. However, in accordance with the present invention, each coupon printed by a user is unique, and the scanning of a coupon presented for redemption will be stored at the coupon redemption center. Thus, the coupon issuer will know if a particular user has redeemed a particular coupon and thus disallow further redemption of a photocopied coupon bearing the same indicia.

(Barnett at col. 10:58 - col. 11:25) (emphasis added).

These teachings of Barnett, being directed to electronically distributing coupons that are to be printed, have no applicability to the present invention. In these teachings, the consumer is provided with the electronic coupon, but is not concurrently provided with an offer for sale of a product that may be purchased immediately. As a result, the Barnett system does nothing to motivate a consumer to make an impulse purchase, since it does not even enable an impulse purchase to be made. In the present invention, on the other hand, the consumer is concurrently provided with an offer for sale of a product that may be purchased immediately and with an incentive that decreases in value over time, thereby effectively providing both the facilities and the motivation to make a purchase on impulse.

Barnett does make a passing reference that "In the alternative, the coupon may be redeemed electronically" (col. 11:35). But it gives little or no indication of how that would be done. And certainly, it fails completely to teach or suggest the concurrent presentation of an offer for sale of a product that may be purchased immediately via a network and an incentive for purchasing. That passage of Barnett, therefore, fails also to teach or suggest the inventive combination of providing the facilities and motivation for an impulse purchase to be made.

Bonnici is a non-technical article that is directed to an analysis of coupons in general and of the consumer decision making process. The Office Action does not contend that Bonnici teaches the features discussed above that are missing from Barnett, namely, the concurrent presentation of an offer for sale of a product that may be purchased immediately via a network and an incentive for making the purchase. And plainly Bonnici does not. Accordingly, Bonnici cannot correct the deficiencies of Barnett.

Accordingly, Applicants respectfully submit that the independent claims are clearly patentable over Barnett and Bonnici, and respectfully request the Examiner to remove Section 103 rejections.


The remaining claims all depend from one of the independent claims discussed above, and each partakes in the novelty and non-obviousness of its respective base claim. In addition, each recites additional patentable features of the present invention, and individual reconsideration of each is respectfully requested.

### CONCLUSION

This Amendment After Final Action is believed to place clearly this application in a condition for allowance, and passage to issue is earnestly solicited. At the very least, this Amendment is an earnest effort to advance prosecution and reduce the number of issues, and its entry is believed proper under 37 C.F.R. § 1.116.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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